



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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WEB COPY THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

O.P.No.614 of 2022

Judgment reserved on 18.09.2024	Judgment pronounced on 29.10.2024
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Kala Srinivasan

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Petitioner

Vs

1.Mrs.Prema Muralidharan

2.Mr.A.R.Ramani

3.Mr.A.R.Vijayakumar

4.Mr.A.R.Krishna

5.Mrs.Lalitha Srinivasan

6.Mrs.Shanthi Sakthidharan

7.Mrs.Akila Nagarajan

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Respondents

PRAYER: Original Petition filed under Section 232 and 276 of Indian Succession Act read with Order XXV Rule 5 of Original Side Rules for grant Letters of Administration.

For Petitioners : Mr.K.Mani

For Respondents : Mr.B.Deepak Narayanan



ORDER

This petition has been filed under Section 232 and 276 of Indian Succession Act read with Order XXV Rule 5 of Original Side Rules for Letters of Administration in the matter of Last Will and Testament of A.K.Raghavan (Deceased).

2. The petitioner herein is the third daughter of the deceased A.K.Raghavan. The said A.K.Raghavan married one Lakshmi in the year 1946 and they got four sons and four daughters by name Muralidharan, A.R.Ramani, A.R.Vijayakumar, A.R.Krishna, Mrs.Lalitha Srinivasan, Mrs.Kala Srinivasan, Mrs.Shanthi Sakthidharan and Mrs.Akila Nagarajan.

3(a) Mr.A.K.Raghavan was working as General Manager in Bank of India, Mumbai at the time of retirement. Thereafter, he settled in his own house at Chennai located at 43, Nadhamuni Street, T.Nagar, Madras. In the year 1998, Mr.A.K.Raghavan, purchased undivided share of the land measuring 900 sq.ft. situated at Old No.10, new No.24, 2nd floor, Dr.Nair Road, T.Nagar, Chennai by a deed of sale dated 24.04.1998, registered as document no.830 of 1998 at the office of Sub-Registrar, T.Nagar from Mrs.V.Lakshmi and Mrs.S.Meerabai and constructed a flat. The testator died on 22.06.2001 and his



wife Lakshmi Raghavan died on 09.02.2015 and his eldest son A.R.Muralidharan died on 21.12.2017 leaving behind his wife Lalitha Muralidharan as his only legal heir.

3(b) During his life time, A.K.Raghavan has written a Will on 23.8.2000 attested by the two independent witnesses namely, V.G.Krishnan, Gokulam Flats, Block – C, 2nd Floor, 2/4, Rangan Street, T.Nagar, Chennai-600017 and Mr.K.Saravanan, No.A-42T, Srinivasa Street, T.Nagar, Chennai-600017. The testator has mentioned in the Will that he had immovable property namely residential flat at old No.10, New No.24, Dr.Nair Road, T.Nagar, Chennai-600017 and also deposited in fixed deposits aggregating to Rs.51,00,000/- in State Bank of India, T.Nagar Branch and mentioned that an interest of Rs.6,06,500/- less tax deducted at source will be credited every year to his Savings Bank account and Fixed deposit of Rs.13,00,000/- has been deposited with Bank of India, T.Nagar Branch, Chennai with accumulated interest. The Testator has signed the Will in the presence of the witnesses and the witnesses signed the Will in the presence of the Testator. Out of the two attesting witnesses, Mr.V.G.Krishnan, one of the attesting witness died and the other attesting witness namely Mr.K.Saravanan, has filed affidavit along with this petition.



3(c) The movable and immovable properties mentioned in the Will dated 23.08.2000 are Testator's self earned properties and the testator intend to distribute the assets as per his Will dated 23.08.2000 wherein he has specifically stated that after the demise of his wife, his assets should be distributed in the manner specified in the Will. It is further stated in the petition that the deceased has not appointed any executor.

3(d) The amount of assets which is likely to come to the petitioner's hands does not exceed in the aggregate the sum of Rs.15,00,000/- and the net amount of the said assets, after deducting all items which the petitioner is by law allowed to deduct is only of the value of Rs.84,00,000/-. The petitioner who is the third daughter of the Testator Mr.A.K.Raghavan has filed this petition for getting Letters of Administration of the Will dated 23.08.2000 executed by her father Mr.A.K.Raghavan and the petitioner and her children and except the first respondent, all other respondents are the beneficiaries under the Will. Except the petitioner, no other legal heirs had interest to obtain Letters of Administration of the Will dated 23.08.2000 executed by Mr.A.K.Raghavan.



3(e) The Original Will dated 23.08.2000 executed by the Testator was in possession of the petitioner's mother, Mrs.Lakshmi Raghavan, who handed over a Xerox copy of the Will to all the legal heirs of the testator including the petitioner and the petitioner is now filing the xerox copy of the Will dated 23.08.2000 and the affidavit of attesting witness of K.Saravanan along with this petition for grant of Letters of Administration.

4. After following due procedure, the petitioner was invited to tender evidence. The petitioner examined herself as PW1 and marked Exs.P1 to P10. Mr.K.Saravanan, one of the attestors to the Will was examined as PW2 who would depose that in his presence and in the presence of V.G.Krishnan, the other attesor, the testatrix signed the Will and he was in a sound state of mind and in good health at the time of execution of the Will.

5. All the respondents are served and none appeared.

6. It is the specific evidence of PW1 that the original copy of the Will was with her mother and after her demise, the same could not be found. In view of the specific evidence of PW2, the necessary ingredients for proving the Will is made out.



7. Taking into consideration the documents available on record and the fact that paper publications have been effected and the learned Master has not received any objections, that the testator was examined as PW2, photocopy copy of the Will was produced by PW1, I find that necessary ingredients for proving the Will has been made out. Accordingly, the Original Petition stands allowed and Letters of Administration to be issued in accordance with rules. Such Letters of Administration shall have effect throughout the State of Tamilnadu. The petitioner is directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Assistant Registrar (Original Side) of this Court. The petitioner is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

29.10.2024

Index :Yes/No
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**APPENDIX****Petitioner's witness:**

P.W.1 – Mrs.Kala Srinivasan

P.W.2 – Mr.K.Saravanan

Documents marked:

<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
1	Certified copy of the sale deed dated 24.04.1990 executed in favour of Mr.A.K.Raghavan.	P1
2	Photocopy of the Will and Testament executed by Mr.A.K.Raghavan	P2
3	Computer generated death certificate of Mr.A.K.Raghavan	P3
4	Computer generated death certificate of Mr.A.R.Muralidharan	P4
5	Computer generated death certificate of Mrs.Lakshmi	P5
6	Computer generated death certificate of Mr.V.G.Krishnan who is one of the attesting witness to Ex.P2 Will.	P6
7	Notice dated 09.03.2023 issued by the petitioner's counsel to the Chief Manager, State Bank of India	P7
8	Letter dated 06.06.2023 addressed to the petitioner by the Chief Manager, State Bank of India	P8
9	Statement furnished by Bank of India, T.Nagar Branch, Chennai dated 21.01.2023	P9
10	Affidavit of assets showing the net value of the estate as Rs.84,00,000/-	P10

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